

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 23. WATERS  
DIVISION 1. RECLAMATION BOARD  
CHAPTER 1. ORGANIZATION, POWERS AND STANDARDS  
ARTICLE 3. APPLICATION PROCEDURES

This database is current through 4/11/08, Register 2008, No. 15

§ 13. Evidentiary Hearings.

- (a) An evidentiary hearing shall be held for any matter that requires the issuance of a permit.

Hearings shall be held on an application in the following circumstances:

~~(1) Upon written request of the applicant;~~

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~~(2) When approval requires a variance to the board's standards;~~

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~~(3) When any person files a written protest conforming to the requirements of section 12 and requests a hearing;~~

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~~(4) When the authority to approve the activity has not been delegated to the General Manager;~~

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~~(5) Upon the board's own motion.~~

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(b) The requirement for an evidentiary hearing may be satisfied by placing the permit matter on the board's consent calendar in accordance with Section 13.2

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(c) Evidentiary hearings shall be conducted pursuant to the procedures in section 13.1.

~~(b) (d)~~ The applicant and other parties may request in writing that the board provide a copy of any document, not exempt from disclosure under the Public Records Act, beginning at Government Code section 6251, that is relevant to any proceeding. The board may charge a reasonable fee for each copy.

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~~(e) (e)~~ The board may hold a hearing or a partial hearing at any place within the state on its own initiative or on the request of the applicant. All hearings must be open to the public. The board President may designate a hearing officer. The board may require the applicant to pay all or part of the expenses of any hearing not located in the County of Sacramento, if the hearing is moved from Sacramento at the request of the applicant. These expenses may include, but are not limited to the following:

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(1) Traveling expenses of the board, officers, and employees of the board;

(2) Expenses of stenographic reporting and transcribing evidence; and

(3) A proportionate allowance, according to their usual rate of compensation, for the time of members, officers, and employees of the board required for the hearing.

(f) If the President designates a hearing officer, the board shall ratify the decision of the hearing officer at the next available board meeting following the hearing officer's decision. The decision shall be considered final at the time the board ratifies the hearing officer's decision.

~~(d)~~ (g) Written notice of the hearing shall be mailed to the applicant and each other party at least ten (10) days prior to the date of the hearing. The notice shall include the following:

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(1) The name and number assigned to the application;

(2) A description of the application and its proposed location;

(3) The date, time, and place at which the application will be heard;

(4) A statement that the hearing will be governed by this Article, and that a copy of the governing procedures will be provided to the applicant upon request;

(5) A statement that Chapter 5 of the Administrative Procedure Act (commencing with Section 11500) shall not apply to the proceeding; and

(6) A statement that if the applicant or the applicant's witness does not proficiently speak or understand English, the applicant may request language assistance by contacting the board and making such request within a reasonable amount of time prior to the hearing to allow appropriate arrangements to be made. The President or appointed hearing officer may direct the applicant to pay for the cost of the interpreter.

~~(e)~~ (h) Applicants shall be notified of the staff recommendations on the application at least seven (7) days prior to the hearing, unless this period is waived by the applicant. Adjacent landowners shall also be notified of staff recommendations at least seven (7) days prior to the hearing if they have responded in writing to the notice sent pursuant to section 9(b) of this article. Protestants shall be notified of the staff recommendations at least seven (7) days prior to the hearing.

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(i) Notice to an applicant's representative as designated on the completed permit application form shall constitute notice to the applicant.

~~(f)~~ (j) The board President or appointed hearing officer may implement additional administrative procedures for the conduct of hearings and related proceedings. ~~This authority may be re delegated to the General Manager.~~

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<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 8571, Water Code ~~and Section 11400.20, Government Code.~~  
Reference: Sections 6253, ~~and 11125, and 11425.10, Government Code;~~ Government Code;  
and Sections ~~8610.5,~~ 8710, 8730.2, 8731, 8732, 8732.5, 8734 and 8735, Water Code.

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